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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/904,468	07/13/2001	O.C. Huse	64,294-034	7913

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EXAMINER

PATTERSON, MARC A

ART UNIT

PAPER NUMBER

1772

DATE MAILED: 02/14/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/904,468

Applicant(s)

HUSE, O.C.

Examiner

Marc A Patterson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1 – 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase ‘molded to’ is indefinite as its meaning is unclear. The phrase also appears to be directed to a method limitation, which is given little patentable weight as discussed below.

3. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase ‘is partially cohesive with’ is indefinite as its meaning is unclear. For purposes of examination, the phrase will be assumed to mean that the bond between the container and reinforcement is cohesive.

4. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase ‘is deformed by’ is indefinite as its meaning is unclear. The phrase also appears to be directed to a method limitation, which is given little patentable weight as discussed below.

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5. Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase 'for preventing formation of a gap' is indefinite as its meaning is unclear. The phrase also appears to be directed to a desired result, rather than a structural limitation. For purposes of examination, the hole will be assumed to have any intended use.

6. Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase 'adapted to be threaded' is indefinite as it is unclear whether the cap is threaded or not. For purposes of examination, it will be assumed that the cap is not threaded.

7. Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase 'internal components' is indefinite as its meaning is unclear. For purposes of examination, the phrase will be assumed to mean any components. The phrase 'interchangeable among said plurality of fixtures' is indefinite as it is unclear what aspect of the invention is interchangeable. The phrase 'can be interchangeably mounted' is indefinite as it is unclear whether mounting occurs or not. For purposes of examination, it will be assumed that mounting does not occur.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1, 3, 5 – 7 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Speas (U.S. Patent No. 4,207,284).

With regard to Claims 1, 5 – 6 and 9, Speas discloses a container assembly comprising a container body (drum, therefore having an inner surface and outer surface; column 8, line 57) comprising a thermoplastic material (polyethylene; column 6, line 58) having a reinforcement bonded to the outer surface of the corner. With regard to the claimed aspect of the reinforcement being ‘molded to,’ the corner, and the container being ‘injection molded,’ the scope of the claims falls within the limitations of Speas as discussed above. The method of making the container assembly (product – by – process) is given little patentable weight. Applicant would need to demonstrate, by verified showing, the unexpected advantages accruing from the method of making as claimed.

With regard to Claim 3, the outer surface of the container and the reinforcement both comprise polyethylene (column 8, line 65); the bond between the container and reinforcement (therefore, also, the edge of the reinforcement) is therefore cohesive.

With regard to Claim 7, Speas teaches the use of screws to further secure the reinforcement to the polyethylene (column 15, lines 16 – 24); the claimed aspect of the reinforcement comprising ‘holes’ therefore reads on Speas.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 2, 4 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Speas (U.S. Patent No. 4,207,284) in view of Uhlig (U.S. Patent No. 4,323,411).

Speas disclose a container having a reinforcement as discussed above. The container comprises openings in the top wall, and caps (column 4, lines 1 – 26) for the openings. With regard to Claims 2, 4 and 8, Speas fails to disclose a reinforcement which is partially embedded in the outer surface of the container, and an opening which is a threaded neck.

Uhlig teaches the use of a reinforcement (column 2, line 2) which is partially embedded in the outer surface of a container (extending flush with the adjacent exterior surfaces; column 5, lines 50 – 53) for the purpose of obtaining a container which has a strong bond between the container and reinforcement (column 9, lines 29 – 38) and an opening which is a threaded neck (column 4, lines 47 – 50) for the purpose of making a container to which prefabricated parts are attached (column 3, lines 27 – 30). The desirability of providing for a reinforcement which is partially embedded and an opening which is a threaded neck in Speas, which is also a container, would therefore have been obvious to one of ordinary skill in the art.

It therefore would have been obvious for one of ordinary skill in the art at the time Applicant's invention was made to have provided for a reinforcement which is partially embedded in the outer surface of the container in Speas in order to obtain a container which has

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a strong bond between the container and reinforcement as taught by Uhlig and to have provided for an opening which is a threaded neck (therefore an embedded fixture) in Speas in order to make a container to which prefabricated parts are attached as taught by Uhlig.

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc Patterson, whose telephone number is (703) 305-3537. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM. If attempts to reach the examiner by phone are unsuccessful, the examiner's supervisor, Harold Pyon, can be reached at (703) 308-4251. FAX communications should be sent to (703) 872-9310. FAXs received after 4 P.M. will not be processed until the following business day.

Marc A. Patterson, PhD.

Marc Patterson
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Harold Pyon
HAROLD PYON
SUPERVISORY PATENT EXAMINER
1772 *2/7/23*